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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,343	07/22/2003	Tsang Chiu Ming	996338-2	7583
7590	09/27/2004		EXAMINER	
G BRIAN PINGEL			VU, JIMMY T	
Brown, Winick, Graves, Gross, Baskerville and Schoenebaum, PLC			ART UNIT	PAPER NUMBER
Regency West 5, 4500 Westown Parkway - STE 277 West Des Moines, IA 50266			2821	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/624,343	MING, TSANG CHIU
	Examiner Jimmy T Vu	Art Unit 2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 July 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 and 8-10 is/are rejected.  
 7) Claim(s) 6 and 7 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2-10 are objected to because of the following informalities:

In claims 2-10, line 1 of each claim, change “A” to –The--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Forster (International Publication number WO 94/21014)

Regarding claim 1, Forster discloses an electrical neon display device (1) (Fig. 1) that allows for the interchangeability of the material being displayed, said device comprising:

- (a) an alternating current power track (Figs. 1-4);
- (b) at least one neon track head (8) (Fig. 1) that is connected to said track and housing a transformer for converting semi-permanently electrically alternating current to direct current;
- (c) at least one display member (9) (Fig. 1) that is semi-permanently electrically connected to said at least one track head (Figs. 1, page 2, lines 22-39.)

Regarding claim 2, Forster discloses the electrical neon display device wherein said

device includes a plurality of individual display members (Fig. 1).

Regarding claim 3, Forster discloses the electrical neon display device wherein said display member includes a neon tube shaped in the configuration of a desired letter or design to be displayed by said device (Fig. 1).

Regarding claim 4, Forster discloses the electrical neon display device wherein said track head has one of a female electrical connector and a male electrical connector and said display member has an electrical connecting member opposite to that of the track head (Fig. 1-4).

Regarding claim 5, Forster discloses the electrical neon display device wherein said track head and said display member have coacting connecting means (7) that are utilized to semi-permanently connect said track head and display member together (Fig. 1, page 1, line 33).

Regarding claim 8, Forster discloses the electrical neon display device wherein said device further includes an extension member (7) that is disposed between said track head and said display member (Fig. 1).

Regarding claim 9, Forster discloses the electrical neon display device wherein said extension member (7) has a flexible body portion to allow for the movement of said display member with respect to said power strip (Fig. 1).

Regarding claim 10, Forster discloses the electrical neon display device wherein said extension member allows said display member to be pivoted at least ninety degrees with respect to said power track (Fig. 1).

***Allowable Subject Matter***

4. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art teaches the electrical neon display device wherein the connecting means further includes a latch member, which is U-shaped, that is semi-permanently associated with the track head and the display member

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

September 09, 2004

  
Don Wong  
Supervisory Patent Examiner  
Technology Center 2800